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CERTIFICATE OF MAILING

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Riccia D'Agostino

Clifford Chance Rogers & Wells LLP

Docket No. 5677-142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Leo J. Romanczyk, Jr. et al.

Filed: November 21, 2000

Group Art Unit: 1711

Serial No: 09/717,445

Examiner: To Be Assigned

For: FOOD CONTAINING A COCOA POLYPHENOL ADDITIVE

Commissioner for Patents
Washington, D.C. 20231

STATUS REQUEST

Sir:

On Tuesday, May 08, 2001, I spoke with Examiner Nutter, who prosecuted the parent case regarding the Sequence Listing due May 8, 2001. He confirmed that no sequence listing should be required for this application. Examiner Nutter referred me to Customer Service. Customer Service referred me the Application Branch Initial Examination. The Application Branch checked their records and noted that the Inquiry Regarding Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures (mailed March 23, 2001) has not yet been matched to the file.

Applicants believe this Sequence Listing has been issued in error and request that the Notice be withdrawn. Applicants do not want to pay extension fees as timely replied on March 23, 2001.

Respectfully submitted,

Date:

May 8, 2001

Margaret B. Kelley

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